

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Hatrick-Smith et al.
Title: BATH WITH INTERCHANGEABLE FITTING
App. No.: 10/576,459
Filing Date: March 7, 2007
Examiner: Ganey, Steven J.
Art Unit: 3752
Conf. No.: 5427

AMENDMENT AND REPLY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This communication is responsive to the Final Office Action dated October 7, 2011, concerning the above-referenced patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 7 of this document.

Please amend the application as follows:

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A bath comprising:

in or associated with an upper wall or rim section of the bath at least one water connection, a neck water outlet fitting interchangeably connectable to the water connection to when connected direct a flow of water generally centrally on to the neck and/or upper back of a bather reclining against the adjacent bath wall, and

a shoulders water outlet fitting or fittings interchangeably connectable to the water connection to when connected direct a flow of water on to the shoulders or front shoulder regions of a bather reclining against the adjacent bath wall;

wherein each water connection incorporates a one way valve which is opened by connection of either of said neck or shoulders water outlet fittings to the water connection and is closed to prevent water flow from the connection when the water outlet fitting is removed.

2. (Currently Amended) A bath according to claim 1 including in or associated with each of two or more spaced upper wall or rim sections of the bath at least one water connection to which either said neck [[or]] water outlet fitting or shoulders water outlet fitting(s) can be interchangeably connected.

3. (Canceled)

4. (Previously Presented) A bath according to claim 2 wherein said water connections are provided in different upper wall or rim sections of the bath each above a wall section of the bath which is shaped to accommodate a bather sitting in the bath and reclining against the shaped wall section of the bath.

5. (Currently Amended) A bath ~~according to claim 1~~ comprising:
in or associated with an upper wall or rim section of the bath at least one water connection, a neck water outlet fitting interchangeably connectable to the one water connection to when connected direct a flow of water generally centrally on to the neck and/or upper back of a bather reclining against the adjacent bath wall, and
a shoulders water outlet fitting or fittings interchangeably connectable to the water connection to when connected direct a flow of water on to the shoulders or front shoulder regions of a bather reclining against the adjacent bath wall;
wherein the neck water outlet fitting is associated with a pillow formed of a compressible material which can be fitted to the bath; and
wherein the pillow is formed of a water permeable material or comprises a water permeable covering material and water is delivered through the pillow onto the back of the neck and/or upper back of a bather.
6. (Original) A bath according to claim 5 wherein the pillow includes one or more apertures through which water is delivered through the pillow onto the back of the neck and/or upper back of a bather.
7. (Canceled)
8. (Previously Presented) A bath according to claim 5 wherein the pillow fits over and is a separate component from the neck water outlet fitting.

9. (Currently Amended) A bath ~~according to claim 1~~ comprising:
including in or associated with a ~~said~~ an upper wall or rim section of the bath two water connections, ~~and wherein the~~ a neck water outlet fitting ~~[[is]]~~ interchangeably connectable at two ends to said two water connections to when connected direct a flow of water generally centrally on to the neck and/or upper back of a bather reclining against the adjacent bath wall, ~~and where~~ wherein the neck water outlet fitting comprises one or more water outlets intermediate of the fitting between the two ends thereof, and
a shoulders water outlet fitting or fittings interchangeably connectable to at least one of the water connections to when connected direct a flow of water on to the shoulders or front shoulder regions of a bather reclining against the adjacent bath wall.
10. (Previously Presented) A bath according to claim 1 wherein the neck water outlet fitting is arranged to deliver a flow of water which is wider than it is deep.
11. (Currently Amended) A bath according to claim 1 wherein the shoulders water outlet fitting(s) provide two spaced water outlets, one ~~position~~ positioned to direct a water flow onto the left-side upper body of a bather and the other positioned to direct a water flow at the same temperature onto the right-side upper body of the bather.
12. (Original) A bath according to claim 11 wherein the shoulders water outlets are each arranged to deliver a flow of water which is wider than it is deep.
13. (Previously Presented) A bath according to claim 1 wherein the shoulders water outlet fitting(s) include two spaced apart left and right side shoulders fittings one positioned to direct a water flow onto the left-side of a bather and the other positioned to direct a water flow at the same temperature onto the right-side upper body of the bather.
14. (Currently Amended) A bath according to claim 11 wherein the ~~left and right side~~ shoulders water outlet fittings are provided on either side of a central pillow.

15. (Currently Amended) A bath ~~according to claim 12~~ comprising:
in or associated with an upper wall or rim section of the bath two or more water connections, a neck water outlet fitting interchangeably connectable to one of the water connections to when connected direct a flow of water generally centrally on to the neck and/or upper back of a bather reclining against the adjacent bath wall, and
a shoulders water outlet fitting or fittings interchangeably connectable to one of the water connections to when connected direct a flow of water on to the shoulders or front shoulder regions of a bather reclining against the adjacent bath wall;
wherein the shoulders water outlet fitting(s) provide two spaced water outlets, one positioned to direct a water flow onto the left-side upper body of a bather and the other positioned to direct a water flow at the same temperature onto the right-side upper body of the bather;
wherein the shoulders water outlets are each arranged to deliver a flow of water which is wider than it is deep; and
wherein the ~~left and right side~~ shoulders water outlet fittings are pivotally mounted to enable adjustment of the direction of water flow from the fittings onto the bathers upper body.

16. (Original) A bath according to claim 15 wherein the left and right side shoulders water outlet fittings each comprise a hollow interior and a hollow mounting neck by which the fitting is pivotally connectable to a said water connection in said upper wall or rim section of the bath.

17. (Previously Presented) A bath according claim 15 wherein the left and right side shoulders water outlet fittings are integral with a pillow and comprise flexible side portions of said pillow.

18. (Previously Presented) A bath according to claim 1 wherein said upper wall or rim section of the bath is part of an end wall section which is approximately convexly curved over at least a part of the height of the wall section.

19. (Previously Presented) A bath according to claim 1 including a pump and water recirculation system arranged to recirculate a flow of water from the bath through the neck and shoulders water outlet fittings.

20. (Previously Presented) A bath according to claim 1 which also includes a suction inlet from which water is drawn and a number of spa outlets or jets in the walls of the bath through which water is recirculated back into the bath.

21. (Original) A bath according to claim 19 wherein one or more of said spa outlets or jets are provided in a wall section of the bath to direct water against the back of the bather.

22-23. (Canceled)

24. (New) The bath according to claim 9, further comprising a pillow positionable over the neck fitting.

25. (New) The bath according to Claim 24, wherein the pillow comprises one or more apertures one or more apertures through which water from the neck fitting may pass.

26. (New) The bath according to Claim 24, wherein the pillow is formed of a water permeable material or comprises a water permeable covering material.

27. (New) The bath according to Claim 24, wherein the pillow comprises a compressible material.

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-23 were pending in the application. With this Amendment and Reply, Claims 1, 2, 5, 9, 11, 14 and 15 have been amended. Claims 3, 7, 22, and 23 have been canceled. New claims 24-27 have been added. No new material has been added. Therefore, Claims 1, 2, 4-6, 8-21, and 24-27 will be pending in this application upon entry of this Amendment and Reply.

Allowable Subject Matter

Applicants acknowledge and thank the Examiner for indicating that Claims 3, 7, 9, and 15-17 would be allowable if rewritten in independent form.

Applicants have amended the claims in accordance with the Examiner's suggestion. In particular, Applicants have amended independent Claim 1 to incorporate the subject matter of Claim 3, amended Claim 5 incorporate the subject matter of Claim 7 and to be in independent form, amended Claim 9 to be in independent form, and have amended Claim 15 to be in independent form and include the subject matter of any intervening claims. Allowance independent Claims 1, 5, 9, and 15 and their associated dependent claims is respectfully requested.

Despite amending the claims in this manner, Applicants wish to make it unmistakably clear that they do not agree to or acquiesce in the rejections under 35 U.S.C. §§ 102 and 103 detailed below. The claims have been amended in this manner only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner.

Claim Rejections – 35 U.S.C. § 102 and 103

On page 2 of the Office Action, Claims 1, 2, 5, 6, 8, 11, 13, 14, and 18-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,333,324 to Pinciario ("Pinciario"). On pages 2 and 3 of the Office Action, Claims 4, 10, and 12 were rejected under 35

U.S.C. § 103(a) as being unpatentable over Pinciario. Applicants believe that these rejections are now moot. Claims 3, 7, 22 and 23 have been canceled without prejudice to further prosecution on the merits. Further, as set forth above, Claims 1, 5, 9 and 15 have been amended in a manner that the Examiner indicated was allowable. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §§ 102 and 103.

Claim Amendments

Applicants have amended Claims 2 and 11 to correct typographical errors. Applicants have also amended Claims 14 and 15 to correct improper antecedent basis.

New Claims

Applicants have added new dependent Claims 23-27, which depend from independent Claim 9 (as amended). Applicants submit that these claims are allowable at least because of their dependency from Claim 9, which has been amended to be in allowable form as indicated by the Examiner, notwithstanding the additional subject matter recited in these claims. Consideration and allowance of these claims is respectfully requested.

* * *

Applicants submit that each outstanding objection and rejection to the application has been overcome, and the applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

It should also be noted that although the applicants have only addressed certain claims or claimed features herein, other claims features, or combinations of features may also be patentable for additional reasons. Further, the failure to address any statement by the Examiner should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to rebut any statement presented by the Examiner and to set forth additional and/or

alternative reasons for patentability during prosecution of the present application or in any other future proceeding.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 9, 2012

By /Adam M. Gustafson/

FOLEY & LARDNER LLP
Customer Number: 12572
Telephone: (414) 297-5652
Facsimile: (414) 297-4900

Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601